

UNITED STATES DISTRICT COURT

THE MIDDLE DISTRICT OF TENNESSEE

801 BROADWAY #800

NASHVILLE, TN 37203

RECEIVED

MAR 23 2020

U.S. District Court
Middle District of TN

CONSTITUTIONAL VIOLATIONS

5th Amendment

6th Amendment

14th Amendment

Several Others

UNITED STATES DISTRICT COURT
THE MIDDLE DISTRICT OF TENNESSEE

801 BROADWAY #800

NASHVILLE, TN 37203

ERNEST HENDERSON)
PLAINTIFF,)
General Delivery)
Chattanooga, TN 37401)
)
V.)
)
Christie M. Sell, HONORABLE JUDGE)
Hamilton County General Sessions Court)
Sessions Court -)
Criminal Division)
108 Courts Building)
600 Market Street)
Chattanooga, TN 37402)
)
3410 amnicola Hwy)
Chattanooga, TN 37406)
Officer D. Johnson Badge #853 White female)
Partner she left off report White male)
False arrest happened on 02/08/2020)
White Male officer Car #4955)
White female officer Car #1245)
Officer A. Beard (78424))
Partner on day of 10/29/19)
K Orsburn (662))
Officer Black Female Car #4629)
Two White Officers: Male Officers)
Black female employee of Pilgrims Pride)
Valarie is her name)
Officer G. Stroud (75386) Badge #)
Officer Klein, (66488) Badge #)
Officer A. Beard (78424) Badge #)
Officer Orsburn, K (662) Badge#)
Officer Brelsford (77566) Badge#)
D. Johnson, (853) Badge#)
)
Department of Labor and Workforce Development)
Jeff McCord, Commissioner)
220 French Landing Drive)
Nashville, Tennessee 37243)

Susan K. Lee, United States Magistrate Judge)
 Chambers Address:)
 900 Georgia Avenue, Room 401)
 Chattanooga, TN 37402)

Hon. Loretta A. Preska)
 Daniel Patrick Moynihan)
 United States Courthouse)
 500 Pearl St.)
 New York, NY 10007-1312)

Mobile County Sheriff's Office)
510 South Royal Street,)
Mobile, AL 36603)
 CHARLES HENDERSON Sergeant)
 Samuel Cochran, Sheriff Mobile County, AL)

Bill Lee, Governor of Tennessee)
 1st Floor, State Capitol)
 Nashville, TN 37243)

Brian P. Kemp, Governor of Georgia)
 206 Washington St.)
 Suite 203, State Capitol)
 Atlanta, GA 30334)

Kay Ivey, Governor of Alabama)
 600 Dexter Avenue)
 Montgomery, AL 36130)

Larry Hogan, Governor of Maryland)
 100 State Circle,)
 Annapolis, MD 21401)

United States Marshal -)
 Two white male Marshal's)
900 Georgia Ave)
Chattanooga, TN 37402)

Pamela L. Reeves, Chief United States District Judge

Chambers Address:
 800 Market Street, Suite 145
 Knoxville TN 37902

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MAR 23 2020

**U.S. District Court
 Middle District of TN**

Harry S. Mattice, Jr., United States District Judge)

Chambers Address:)

900 Georgia Avenue, Room 317)

Chattanooga, TN 37402)

)

Curtis L. Collier, Senior United States District Judge)

Chambers Address:)

900 Georgia Avenue, Room 253)

Chattanooga, TN 37402)

)

Neal Pinkston, District Attorney)

Raven Austin, Prosecutor)

600 Market Street, Suite 310)

Chattanooga, TN 37402)

)

Vince Dean, Criminal Court Clerk)

Hamilton County Criminal Court Clerk)

600 Market Street Suite 102)

Chattanooga, TN 37402)

Heather)

Director of Office)

)

Chief of Police David Roddy)

Chattanooga Police Department)

3410 Amnicola Hwy)

Chattanooga, TN 37406)

)

City of Chattanooga, TN)

Mayor's Office)

Andre Burke)

101 E. 12th Street)

Chattanooga, TN 37402)

PHILLIP A. NOBLETT – City Attorney)

Suite 200)

2nd Floor City Hall Annex)

100 E. 11th Street)

Chattanooga, TN 37402)

City Council Building)

1000 Lindsay Street)

Chattanooga, TN 37402-4233)

Chip Henderson District 1)

Jerry Mitchell District 2)

Ken Smith District 3)

Darren Ledford District 4)

Russell Gilbert, District 5)

Carol B. Berz, District 6)

Erskine Oglesby Jr., District 7)

Anthony Byrd, District 8)

Demetrus Coonrod District 9)

Chattanooga, TN Housing Authority)
801 N Holtzclaw Ave,)
Chattanooga, TN 37404)

Sheriff Jim Hammond)
600 Market St G10,)
Chattanooga, TN 37402)

600 Market Street)
Chattanooga, TN 37402)
Lorrie Miller, Chief Magistrate)
Andrew Basler)

Justin Strand, Superintendent)
Alternative Sentencing Programs)
Hamilton County Government)
Hixson, TN 37343)

-----)

DUE PROCESS OF LAW, HEARING & JURY TRIAL:

JURY TRIAL, A **jury trial** or **trial by jury** is a legal proceeding in which a **jury** either makes a decision or makes findings of fact, which then direct the actions of a judge. It is distinguished from a bench **trial**, in which a judge or panel of judges make all decisions.

"An orderly proceeding wherein a person is served with notice, actual or constructive, and has an opportunity to be heard and to enforce and protect his rights before a court having power to hear and determine the case. *Kazubowski v. Kazubowski*, 45 Ill.2d 405, 259, N.E.2d 282, 290." Black's Law Dictionary, 6th Edition, page 500.

"The essential elements of due process of law are notice, an opportunity to be heard, and the right to defend in an orderly proceeding." *Fiehe v. R.E. Householder Co.*, 125 So. 2, 7 (Fla. 1929).

"To dispense with notice before taking property is likened to obtaining judgement without the defendant having ever been summoned." *Mayor of Baltimore vs. Scharf*, 54 Md. 499, 519 (1880).

RULE OF LAW

Can a Judge disregard the Rule of Law and the Constitution, his Oath of Office and his Code of Conduct and be granted immunity by a paragraph in a U.S. Code that is subservient to, and therefore void, if it comes into conflict with the Constitution?

In the event that a Judge can be elevated above the law and somehow be granted immunity for actions well beyond his Jurisdiction, can orders and Judgments that violate statutory and Constitutional law be allowed to stand; including those installed to replace previous Judgments without hearing?

Can federal Judges, in violation of Canon 3 A (4) of the Federal Code of Conduct, deny the full right to be heard according to law, including submittal of evidence?

In a limited government, the question here should be, "Are this citizen's rights being violated by these actions?", and not, "Is the violation of this citizen's rights being violated by these actions?", and not, "Is the violation of this citizen's rights Justified because of overriding government goals and objectives?"

By what authority do you, by oath, servants of the Constitution, ignore its laws and guidelines and govern by rule of man rather than rule of law?

Many pro se litigants will use this in their pleadings; "Pleadings in this case are being filed by Plaintiff Ernest Henderson In Propria Persona, wherein pleadings are to be considered without regard to technicalities. Propria, pleadings are not to be held to the same high standards of perfection as practicing lawyers. See *Haines v. Kerner* 92 Sct 594, also See Power 914 F2d 1459 (11th Cir1990), also See *Hulsey v. Ownes* 63 F3d 354 (5th Cir 1995). also See In Re: *HALL v. BELLMON* 935 F.2d 1106 (10th Cir. 1991)." In *Puckett v. Cox*, it was held that a pro-se pleading requires less stringent reading than one drafted by a lawyer (456 F2d 233 (1972 Sixth Circuit USCA). Justice Black in *Conley v. Gibson*, 355 U.S. 41 at 48 (1957) "The Federal Rules rejects the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits." According to Rule 8(f) FRCP and the State Court rule which holds that all pleadings shall be construed to do substantial justice."

Defense against dismissal of complaint under Rule 12-B

There is legal sufficiency to show Plaintiff is entitled to relief under his Complaint. A Complaint should not be dismissed for failure to state a claim unless it appears beyond a doubt that the Plaintiff can prove no set of facts in support of his claim which would entitle him to relief. See *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957) also *Neitzke v. Williams*, 109 S. Ct. 1827, 1832 (1989). Rule 12(b) (6) does not countenance dismissals based on a judge's disbelief of a complaint's factual allegations. In applying the *Conley* standard, the Court will "accept the truth of the well-pleaded factual allegations of the Complaint."

STATEMENT

When a judge knows that he lacks jurisdiction, or acts in face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost. *Rankin v. Howard*, 1980) 633 F.2d 844, cert den. *Zeller v. Rankin*, 101 S. Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326. Moreover, "the court is under a duty to examine the complaint to determine if the allegations provide for relief provide for relief on any possible

theory,” *Bonner v. Circuit Court of St. Louis*, 526 F.2d 1331, 1334 (8th Cir. 1975) (quoting *Bramlet v. Wilson*, 495 F.2d 714, 716 (8th Cir. 1974) not to rule according to friendship and things outside of the law. *In re Murchison*, 349 U. S. 133. Finding that “no man can be a judge in his own case,” and “no man is permitted to try cases where he has an interest in the outcome,” *id.*, at 136, *Caperton v. A. T. Massey Coal Co.*, 556 U.S. 868 (2009). The manager exerted power that he did not have a right to exert and illegally exerted it in his own defense. Judge Christie M. Sell, Hamilton County General Sessions Court presided over **GS1786879**, **GS1786880**, which was criminal trespass and disorderly conduct charges created through the lenses of entrapment which was outlawed by the United States Supreme Court and rebelled against by the US Supreme Court in *Sherman vs United States*, (1958), a clearly established case on entrapment. There was a request made by Ernest Henderson to the Alternative Sentencing Pretrial Court Proceedings that was denied by its leader because he was participating in intentional spoliation which is in contradiction to the Tennessee Supreme Court record in a clearly established case on intentional spoliation in “In a departure from the intent requirement, one Court sanctioned a party that unintentionally lost or destroyed evidence. *See, e.g., Cincinnati Ins. Co. v. Mid-South Driller Supply, Inc.*, 2008 WL 220287, *1 (Tenn. Ct. App. Jan. 25, 2008) (holding that “a trial court has the discretion to sanction a party . . . [for] destruction of evidence . . . irrespective of whether the destruction was inadvertent or intentional.”). His denial of my Tennessee Records request as to the names of the participants who scanned me into their system in an illegal arrest and illegal procedure of probation by Alternative Pre-trial Court Proceedings for Hamilton County, TN whether knowing or unknowing is not a defense against Ernest Henderson claims of injustices by their department through *Cincinnati Ins. Co. v. Mid-South Driller Supply, Inc.*, 2008 WL 220287, *1 (Tenn. Ct. App. Jan. 25, 2008), clearly established ruling by the Tennessee Supreme Court of Appeals on Spoliation of Evidence. Judge Sell presided over **GS1786879**, **GS1786880**, where she denied Ernest Henderson constitutional right to cross examine his accusers through the sidewalk In 2004, in *Crawford v. Washington*, a clearly established case on confrontational clause requirement. Judge Sell also denied Ernest Henderson the right to

effective assistance of an Attorney which is “The **Assistance of Counsel Clause** of the Sixth Amendment to the United States Constitution provides: "In all criminal prosecutions, the accused shall enjoy the right...to have the Assistance of Counsel for his defense. “Under Argersinger v. Hamlin, 407 U.S. 25 (1972), counsel must be appointed in any case resulting in a sentence of actual imprisonment”. **Powell v Alabama**, (1932) is a clearly established on effective assistance of counsel since in that case counsel was ineffective in defending Powell one of the Scottsboro boys. Here Judge Sell has lost jurisdiction because conspiracy, fraud, denying constitutional rights does not guarantee another opportunity to preside over a case with the same individual you have already violated Ernest Henderson’s constitutional rights in another case **GS1786879**, **GS1786880** can not preside over the same against Ernest Henderson through both **Caperton et al. v. A. T. MASSEY COAL CO., INC.**, et al. (2009) clearly established on recusal and **Collateral estoppel** though it is being presented by other police officers within the same police department or the same District Attorney’s Office is voided through **Ashe v. Swenson**, 397 U.S. 436 (1970). Judge Sell is scheduled to rule in another criminal trespass case against Ernest Henderson within Hamilton County Sessions Court of Tennessee in Chattanooga, TN on March 19, 2020 and she does not realize because of **Collateral estoppel neither** **CHRISTIE MAHN SELL**, JUDGE nor any judge within the Hamilton County Sessions Court of Hamilton County, TN can rule against Ernest Henderson in criminal trespass case since implied acquittal applies, through **Green vs United States**, a clearly established case on implied acquittal.

DIVISION II ... ALEXANDER McVEAGH, JUDGE

DIVISION III ... GERALD WEBB, JUDGE

DIVISION IV ... LILA STATOM, JUDGE

DIVISION V ... GARY W. STARNES, JUDGE

My dismissal of **GS1786879**, **GS1786880**, by the District Attorney of Hamilton County, TN included both disorderly conduct and criminal trespass, now on March 19, 2020 the Hamilton County Sessions Court of Tennessee wants to present to Judge Sell who already have violated several clearly established Constitutional Rights of Ernest Henderson, now presenting the criminal trespass to the court by another officer is in direct conflict with **Green vs United States**. Hamilton County Sessions Court of Tennessee and Chattanooga Police Department cannot bring any more criminal trespass cases against Ernest Henderson in Hamilton County Sessions Court of Tennessee because of three events clearly established in law, for judge Sell, **Caperton et al. v. A. T. MASSEY COAL CO., INC.**, et al. (2009), she participated in violations of Ernest Henderson constitutional rights and cannot be allowed to stand in judgment of Ernest Henderson again in another criminal trespass case where no judge within the Hamilton County Sessions Court of Tennessee cannot rule against Ernest Henderson on March 19, 2020 because of **Collateral estoppel** though it is being presented by other police officers within the same police department of Chattanooga Tennessee through **Ashe v. Swenson**, 397 U.S. 436 (1970) and through **Green vs United States**, through implied acquittal. Ernest Henderson charges in **GS1786879**, **GS1786880** were dismissed so that qualifies Ernest Henderson for protection on March 19, 2020 through implied acquittal and collateral estoppel **Ashe v. Swenson**, (1970) clearly established on retrial after acquittal. Officer Johnson (853) of Chattanooga Police Department violated Ernest Henderson constitutional Rights when she filed a citation for criminal trespass for Ernest Henderson going into his storage unit on February 08, 2020 after acquiring another storage unit to move his things to. Officer in car #4955 stated, “you must call and notify Extra Space Storage that you are coming to get your items from storage”. I ask the officer where is the court order that states that? He said, “Yes this is a civil matter but you have to do that”. Officer Johnson (853) stated on 02/08/2020 to Ernest Henderson that you must call 911 and notify us that you are coming to obtain your things from the storage unit. Officer Johnson (853) knew she was participating in a conspiracy through her efforts that is why she did not arrest Mr. Henderson because she knew she was operating outside of her legal law enforcement jurisdiction and therefore non arrest would not place the

judge name on the paper work which would definitely leave Mr. Henderson in limbo about the judicial name of the person presiding over the March 19, 2020 which Judge Sell cannot because of her failure on December 19, 2019 to honor the united states constitution. *Elliot v. Piersol*, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828). Under federal Law, which is applicable to all states, the U.S. Supreme Court stated that “of a court is without authority, its judgements and orders are regarded as nullities. They are not voidable, but simply void, and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification and all persons concerned in executing such judgments or sentences are considered, in law, as trespassers.” “No judicial process, whatever form it may assume, can have any lawful authority of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence.” *Ableman v. Booth*, 21 Howard 506 (1859). Judge Sell, Officer Johnson(853), Vince Dean all worked within the confounds of a clearly established case in *Brown v. Topeka Board of Education*, (1954) on equal treatment and due process. Vince Dean Clerk of the Court of Hamilton Sessions Court for criminal efforts lead his staff to withhold the clearance letter of the fraudulent arrest of Ernest Henderson through the voiding of his arrest on 11/22/19 by Officer Osburn and the illegal arrest with three other officers. Elizabeth Mccright, director of Chattanooga Housing Authority was encouraged through this *Wilkins v U.S. C.A. 241 C.A.5 (Ala.) 1967*. Indictment under civil rights conspiracy statue must allege that it was intent of defendants, by their conspiracy, to hinder or prevent enjoyment of some right granted or secured by constitution, and must charge positively and not inferentially everything essential, although it is not necessary that indictment set out in detail evidence of conspiracy or describe it with same degree of particularly required in indictment for substantive offense, nor is it necessary to any overt act. The denial of services through Chattanooga Housing Authority along with the police corruption against Ernest Henderson shows a willingness compliance through behalf of the Chief of Police David Roddy, Elizabeth Mccright-Chattanooga Housing Authority, City of Chattanooga Attorney **PHILLIP A. NOBLETT**, along with City Council of Chattanooga, TN that proves that all of these people were more involve in this

conspiracy against Ernest Henderson through City Council silence on February 18, 2020 and more likely they are more like accomplices through *Douglas v Alabama*(1965).

Douglas v. Alabama Provides Ernest Henderson in this 2nd false arrest

1. Petitioner's (Ernest Henderson) inability to cross-examine the alleged accomplice about the purported confession, the prosecutor's reading of which may well have been treated by the jury as substantial and cogent evidence of guilt, denied petitioner the right of cross-examination secured by the Confrontation Clause of the Sixth Amendment, which is made applicable to the States by the Fourteenth. *Pointer v. Texas*, ante, p. 380 U. S. 400, followed. Pp. 380 U. S. 418-420.

2. The opportunity to cross-examine the law enforcement officers did not redress denial of petitioner's right of confrontation. Pp. 380 U. S. 419-420. Exactly what Judge Sell allowed to happen to Ernest Henderson in *Ernest Henderson v Tennessee GS1786879, GS1786880*.

3. Petitioner's objections to the reading of the purported confession adequately preserved his claim of denial of a federal constitutional right regardless of their adequacy under state law as construed by the state appellate. Pp. 380 U. S. 420-422.

The Sixth Amendment guarantees that "The accused shall enjoy the right * * * to have the Assistance of Counsel." These rights were denied plaintiff in this motion Ernest Henderson. *SHAPIRO v. UNITED STATES*. "It is vain to give the accused a day in court with no opportunity to prepare for it, or to guarantee him counsel without giving the latter any opportunity to acquaint himself with the facts or law of the case." *Powell v. Alabama*, 287 U.S. 45 (1932). This arrest for the criminal trespass on March 19, 2020 is to assist the City of Chattanooga, TN in their failures to respond to Ernest Henderson civil rights violations case where they are failing miserably in 1:19-CV-00374-CLC/SKL. Judge Sell is trying to assist in the false arrest of Ernest Henderson on 02/08/2020 by Officer Johnson and her co-worker white male officer is a total violation of the sixth amendment to the United States Constitution through *Pointer v. Texas*, ante, p. 380 U. S. 400, followed. Pp. 380 U. S. 418-420 and trying to alleviate Magistrate Judge Susan Lee efforts in destroying case 1:19-CV-00374-CLC/SKL and give the federal case against the Extra Space Storage some help because they are failing to respond to the motions filed by Ernest Henderson. *1:19-CV-00374-CLC/SKL* and in *No. :20-CV-00014-HSM-SKL* are the two cases in United States Eastern District of Tennessee Court of Chattanooga, TN 37402 that Magistrate Judge Susan Lee is trying to illegally dismissed but Ernest Henderson persistence is

causing the City of Chattanooga, TN problems because they are losing miserably in court. They need some help that is why they are allowing the Law Enforcement Officers like Officer Johnson (853) to file criminal complaints and not add her co-worker name onto the complaint. Which is a violation of both Due Process, and Confrontational Clause of the United States Constitution. Governor Lee of Tennessee ordered the illegal arrest through the increase in funding to the City of Chattanooga, TN if they could pull it off which is in direct parallel to Racterring Act Used by District Attorney in Georgia in the charges against the Teachers for falsifying the test results and encouraging the children to cheat on their testing in Georgia which would increase their salaries and in parallel to the City Council silence on February 18, 2020 where Ernest Henderson spoke out against the conspiracy in City Council Meeting proclaiming false arrest and not one word mention on record by the City of Council on February 18, 2020 which is a direct violation of Due Process of Law.

This case ***1:19-CV-00374-CLC/SKL*** is special because it is between self-storage company Extra Space Storage, a plaintiff in *Spade v. Select Comfort Corp. The Self Storage Association (SSA)*, has a blog that is called the SSA Blog and it is dated 1/17/2017 and the author of the blog is Scott Zucker posted on 1/17/2017 9:48:00 AM, “The approach for evicting a paying tenant is to take your lease and claim of tenant breach and file the appropriate dispossessory or eviction papers with your County Court.’ ‘The basis of such an action is that the tenant, after being terminated, is now a "tenant at sufferance." “A tenant at sufferance is one who holds over its tenancy against the consent of the landlord.’ Such dispossessory or eviction proceedings for a tenant at sufferance can be commenced and resolved quickly (unless the tenant contests the action) and, if successful, the result would be a court order allowing you to evict the tenant and their property.’ ‘If the tenant later sued you for wrongful eviction, trespass or conversion, the court order would strengthen your defenses based on the position that the court approved the eviction.” Scott Zucker, Scott@wzlegal.com, is a partner in the law firm of Weissmann Zucker Euster Morochnik, P.C. in Atlanta, Georgia and Deputy General Counsel for the national Self Storage Association. Scott specializes in business litigation with an emphasis on real estate, landlord-tenant and

construction law. *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241 (1964). A clearly established case for companies that serve the public with public accommodations, was a landmark United States Supreme Court case holding that the Commerce Clause gave the U.S. Congress power to force private businesses to abide by Title II of the Civil Rights Act of 1964, which prohibits discrimination in public accommodations. That is clear. Why would a magistrate judge such as **Susan K. Lee, United States Magistrate Judge** deliberately violate and discriminate against a citizen seeking to utilize his constitutional right to file a grievance disrupt that opportunity with obstruction of justice, which is not a function of a Judge? “As the U.S. Supreme Court has held, the right to petition for redress of grievances is ‘among the most precious of the liberties safeguarded in the bill of rights’. *Wilkins v U.S. C.A. 241 C.A.5 (Ala.)* 1967. Indictment under civil rights conspiracy statute must allege that it was intent of defendants, by their conspiracy, to hinder or prevent enjoyment of some right granted or secured by constitution, and must charge positively and not inferentially everything essential, although it is not necessary that indictment set out in detail evidence of conspiracy or describe it with same degree of particularly required in indictment for substantive offense, nor is it necessary to any overt act. Conspiracy is not a judicial function. *Wilkins v U.S. C.A. 241 C.A.5 (Ala.)* 1967.

“Assuming the non-diverse parties could be dropped from the case, the complaint does not include any allegations which would support an award of \$75,000, despite Plaintiff’s outrageous demand for nearly \$1 million. Ernest Henderson believes that it is very important to be accurate with accusations made in a legal document that is more in **Susan K. Lee, United States Magistrate Judge**, in Case No. 1:19-cv-00374-CLC/SKL defamation of character more than it is a legal document and clearly outside of her judicial jurisdiction when Ernest Henderson request for damages total is \$700,000.00 not \$1,000,000.00 which is direct in conflict with a judges function when a Judge does not suppose to care who are the plaintiff and does not supposed to favor any party if due process is active within the case. It appears that Judge admitted in that statement that Ernest Henderson has a valid case because in her own words she says,” “Assuming the non-diverse parties could be dropped from the case, the complaint does

not include any allegations which would support an award of \$75,000, despite Plaintiff's outrageous demand for nearly \$1 million". Here ***Susan K. Lee, United States Magistrate Judge***, in Case No. 1:19-cv-00374-CLC/SKL is taking it personal the damages that Ernest Henderson is requesting which her feelings on the matter are inaccurate when analyzing the amount requested and distinguishing between which is a fair amount and which is too much in her eyes which is admitting of guilt on behalf of the defendants by Judge ***Susan K. Lee, United States Magistrate Judge***, in Case No. 1:19-cv-00374-CLC/SKL.

Perjury, Racketeering, providing false information, conspiracy, and fraud are not elements of judicial functions. When a judge knows that he lacks jurisdiction, or acts in face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost. ***Rankin v. Howard***, 1980) 633 F.2d 844, cert den. ***Zeller v. Rankin***, 101 S. Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326. The ***Court in Yates v. Village of Hoffman Estates, Illinois, 209 F. Supp.*** 757 (N.D. Ill. 1962) held that "not every action by a judge is in the exercise of his judicial function....it is not a judicial function for a judge to commit an intentional tort even though the tort occurs in the courthouse. When a judge acts as a trespasser of the law, when a judge does not follow the law, the judge loses subject-matter jurisdiction and the judges' orders are void, of no legal force or effect." The Eleventh Amendment was not intended to afford them freedom from liability in any case where, under color of their office, they have injured one of the State's citizens. To grant them such immunity would be to create a privileged class free from liability from wrongs inflicted or injuries threatened. Public agents must be liable to the law, unless they are to be put above the law. See ***OLD COLONY TRUST COMPANY v. CITY SEATTLE ET AL.*** (06/01/26) 271 U.S. 426, 46 S.Ct. 552, 70 L. Ed at page 431. No officer of the law may set that law at defiance with impunity. See ***United States v. Lee***, 106 U.S. 196, 220 and ***Burton v. United States***, 202 U.S. 344 RONEY, Circuit Judge in ***McTigue v. Chicago***, 60 F.3d 381, 382 (7th Cir. 1995). ***Butz v. Economou***, 98 S. Ct. 2894 (1978); ***United States v. Lee***, 106 U.S. at 220, 1 S. Ct. at 261 (1882). "No man [or woman] in this country is so high that he is above the law. No officer of the law may set that law at defiance with

impunity. All the officers of the government from the highest to the lowest, are creatures of the law, and are bound to obey it.” *Cannon v. Commission on Judicial Qualifications*, (1975) Cal. 3d 678, 694. Acts in excess of judicial authority constitutes misconduct, particularly where a judge deliberately disregards the requirements of fairness and due process. *Owen v. City of Independence*. “The innocent individual who is harmed by an abuse of government authority is assured that he will be compensated for his injury.” U.S. Fidelity & Guaranty Co. (State use of), 217 Miss. 576, 64 So. 2d 697. When a judicial officer acts entirely without jurisdiction or without compliance with jurisdiction requisites he may be held civilly liable for abuse of process even though his act involved a decision made in good faith, that he had jurisdiction. *Scheuer v. Rhodes*, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974). Note: By law, a judge is a state officer. The judge then acts not as a judge, but as a private individual (in his person). When a judge acts as a trespasser of the law, when a judge does not follow the law, the Judge loses subject-matter jurisdiction and the judges’ orders are not voidable, but **VOID**, and of no legal force or effect. The U.S. Supreme Court stated that “when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States.” *Susan K. Lee, United States Magistrate Judge, in Case No. 1:19-cv-00374-CLC/SKL* acted when she did not have a right to act. She wrote Ernest Henderson’s charges against Extra Space Storage, Salvation Army, Community Kitchen, and Police Chief David Roddy and failed a fraudulent report in her dismissal motion in the case. Judge Susan K. Lee, United States Magistrate Church in said case was committing perjury, conspiracy, fraud, and racketeering by filing her motion for dismissal which is voidable through *Scheuer v. Rhodes*, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974), a clearly established case on voiding judges decisions based on their efforts to act when they do not have a right to act. The claims by *Susan K. Lee, United States Magistrate Judge, in Case No. 1:19-cv-00374-CLC/SKL* were more concerned with the damages being sought by Ernest Henderson more than the violations of Ernest Henderson’s constitutional rights that were deliberately

violated by Extra Space Storage, Chief of Police David Roddy, Community Kitchen, and Salvation Army because in this world, President Abraham Lincoln issued the **Emancipation Proclamation** on January 1, 1863, that supposedly to set African American Slaves free and make them human beings but those in power of the south and Jim Crow laws, opposed it so much they were willing to die in a civil war to fight for the abuse of African Americans which brought generation after generation of financial hardship on the African American Class. *Susan K. Lee, United States Magistrate Judge, in* Case No. 1:19-cv-00374-CLC/SKL was upset more at the audacity of Ernest Henderson to file charges against white men even though the United States Constitution says; “The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws when he receives an injury.” 1 *Cranch* at 163 (1803). The damages being sought by Ernest Henderson are listed below. Ernest Henderson listed the amount based off comparable cases where verdicts were being issued and for the amount of money organizations have received in result of their efforts for participating.

DAMAGES SEEKING in 1:19-CV-00374-CLC/SKL

\$150,000 FROM EXTRA SPACE STORAGE

\$150,000 FROM SALVATION ARMY

\$150,000 FROM COMMUNITY KITCHEN

\$250,000 FROM CHIEF OF POLICE DAVID RODDY(CITY OF CHATTANOOGA, TN

False statements **can** be prosecuted as **perjury** under §1623 only if they are made in any proceeding before or ancillary to a federal **court** or grand jury. ... To prosecutors, that may look like **perjury**, and a number of well-known criminal cases involved **perjury charges**. When she filed for both *No. :20-CV-00014-HSM-SKL* and *1:19-CV-00374-CLC/SKL*. Perjury as a charge can be filed against Magistrate Judge Susan K. Lee because her dismissal request are made within United States Eastern District of Tennessee Court which qualifies her statements before a federal court of grand jury since she is participating more as a referee than a Magistrate Judge of the United States Eastern District of Tennessee Court. In American law, Scots law, and under the laws of some

English-speaking Commonwealth nations, subornation of **perjury** is the crime of persuading a person to **commit perjury**, which is the swearing of a false oath to tell the truth in a legal proceeding, whether spoken or written.

18 U.S. Code § 1622. Subornation of perjury

Governor of Alabama Kay Ivey : Illegally withholding Ernest Henderson Income Tax Checks

Governor of Georgia Kemp: Illegally withholding Ernest Henderson tax income from State of Georgia that has grown to over \$800,000. According to federal guidelines. He also had staff of Georgia to request of compliance through conspiracy acts of violence against Ernest Henderson with attempts to falsely arrest Ernest Henderson in: Douglasville, GA, Morrow Georgia, Atlanta, Ga, Fairburn, Ga, Clayton State University Police False arrest attempt, Morrow Ga police Attempt to entrap Ernest Henderson for rape. East Point trying to entrap Ernest Henderson into a murder he had nothing to do with where his supervisor beat his girlfriend to death.

Governor of Maryland: created the first fraudulent illegal eviction of Ernest Henderson from an Extra Space Storage. Lead Maryland agencies to discriminate against Ernest Henderson. Lead Homeless Healthcare to deny Ernest Henderson housing assistance and encouraged the Maryland County police and judicial system fail to prosecute a claim made by Ernest Henderson.

Commissioner of Tennessee Workforce Development lead staff members of the State of Tennessee employees to falsify documents and discriminate against Ernest Henderson by shipping his unemployment to Georgia without notifying him that they were doing so and then charging Ernest Henderson with overpayment when they did not provide the refund to Ernest Henderson. State of Georgia falsifying Ernest Henderson unemployment compensation and lowering his weekly amount illegally and ending his unemployment when an agent was to pay for unemployment compensation.

Relief is possible when a person in the position of a Judge does knowingly disregard Constitution and civil rights of others, his Oath of Office, and the Alabama Supreme Court Rules Code of Conduct. When a Judge steps beyond the boundaries that define his powers as a Judge, he then becomes an individual and is therefore responsible for his actions as such.

Constitution Supreme Clause Article VI, Clause 2 of the Constitution (This Constitution, and the Laws of the United States which shall be made in Pursuance thereof;shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.) Absolute immunity is

Subsequent interpretations of the Civil Rights Act by this Court acknowledge Congress' intent to reach unconstitutional actions by all state and federal actors including judges...The Fourteenth Amendment prohibits a state [federal] from denying any person [citizen] within its jurisdiction the equal protection under the laws. Since a State [or federal] acts only by its legislative, executive or judicial authorities, the constitutional provisions must be addressed to those authorities, including state and federal judges."

We conclude that judicial immunity is not a bar to relief against a judicial officer acting in her [his] judicial capacity."

This is defined by law as the Stripping Doctrine.

In *Ex Parte Young*, 209 U.S. 123 (1908), the Supreme Court provided an important exception to the 11th Amendment sovereign immunity States enjoy: the Stripping Doctrine.

The Stripping Doctrine is a legal fiction which allows injunctive relief against what are essentially state actions. While the 11th Amendment immunizes States from actions by private parties, the Stripping Doctrine argues that when a state officer takes an unconstitutional action, he acts beyond the scope of his authority the officer was "stripped" of his official power and cannot invoke the State's immunity, although he remains subject to the consequences of his official conduct.

The doctrine is a legal fiction because the officer, in acting unconstitutionally, was outside his official duties, but the citizen can now sue him for injunctive relief in her official capacity. Unless a citizen can enjoin the action the officer took in her official capacity, no remedy could be provided for an otherwise unconstitutional action (as the State itself is immune from prosecution).

contrary.

The presence of malice and the intention to deprive a person of his civil rights is wholly incompatible with the judicial function.

U.S. Supreme Court Reports, PIERSON v. RAY, 386 U.S. 547 (1967) 386 U.S. 549 PIERSON ET AL. v. RAY ET AL.

When a judge acts intentionally and knowingly to deprive a person of his constitutional rights he exercises no discretion or individual judgment; he acts no longer as a judge, but as a “minister” of his own prejudices. [386 U.S. 547, 568].

The Judge, by ignoring guidelines as set by law, did lose jurisdiction in the matter. His acts then became ultra vires or outside of the powers of his jurisdiction.

“Jurisdiction, although once obtained, may be lost, and in such case proceedings cannot be validly continued beyond the point at which jurisdiction ceases”. Federal Trade Commission v. Raladam Co., 283 U.S. 643, 75 L. Ed. 1324, 51 S.Ct. 587.

For the purposes of review, it has been said that clear violations of laws on reaching the result, such as acting without evidence when evidence is required, or making a decision contrary to all the evidence, are just as much jurisdictional error as is the failure to take proper steps to acquire jurisdiction at the beginning of the proceeding. Borgnis v. Falk Co., 133 N.W. 209.

“No sanction can imposed absent proof of jurisdiction”. Stanard v. Olesen, 74 S.Ct. 768. “Once jurisdiction is challenged, it must be proved”. Hagans v. Levine, 415 U.S. 533, n.3.

Without jurisdiction, the acts or judgments of the court are void and open to collateral attack. McLean v. Jephson, 123 N.Y. 142, 25 N.E. 409.

Under Federal law which is applicable to all states, the U.S. Supreme Court stated that if a court is “without authority, is judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers.” Elliot v. Piersol. ! Pet. 328, 340, 26 U.S. 328, 340 (1828)

When a judge acts as a trespasser of the law, when a judge does not follow the law, the judge loses subject-matter jurisdiction and the judges orders are void, of no legal force or effect.

The U.S. Supreme Court, in *Scheurer v. Rhodes*, 416 U.S. 232, 94 S.Ct. 1683, 1687 (1974) stated that “when a state officer acts under a state law in a manner violative of the Federal Constitution, he “comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States.” ‘Emphasis supplied in original]. By law, a judge is a state officer.

The judge then acts not as a judge, but as a private individual (in his person). The U.S. Supreme Court has state that “No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it.”

The Court in Yates v. Village of Hoffman Estates, Illinois, 209 F. Supp. 757 (N.D. Ill. 1962) held that “not every action by a judge is in exercise of his judicial function...it is not a judicial function for a judge to commit an intentional tort even though the tort occurs in the courthouse.”

Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958). Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the Supreme Law of the Land. The judge is engaged in acts of treason.

If a judge does not fully comply with the Constitution, then his orders are void, In re Sawyer, 124 U.S. 200 (1888), he is without jurisdiction, and he has engaged in an act or acts of treason.

Whenever a judge acts where he does not have jurisdiction to act, the judge is engaged in an act or acts of treason S. v Will, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L. Ed. 2d 392, 406 (1980); Cohens v. Virginia, 19 US. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).

[T]he *Fourteenth Amendment* forbids the use of involuntary confessions not only because of the probable unreliability of confessions that are obtained in a manner deemed coercive, but also because of the “strongly felt attitude of our society that important human values are sacrificed where an agency of the government, in the course of securing a conviction, wrings a confession out of an accused against his will.”

Effective Assistance of Counsel: “[T]he right to counsel is the right to the effective assistance of counsel.”²⁴³ From the beginning of the cases holding that counsel must be appointed for defendants unable to afford to retain a lawyer, the Court has indicated that appointment must be made in a manner that affords “effective aid in the preparation and trial of the case.” Thus, ineffective assistance provided by retained counsel provides a basis for finding a Sixth Amendment denial in a trial. Though this was traffic court, the violations were many and the conspiracy between Presiding Court Judge Less Hayes and Municipal Court Supervisor James Tolbert was complex and therefore the plaintiff was in need of expert legal assistance that would have been effective because these acts of violence were committed by Municipal Court Executives of Law in Presiding Municipal Court Judge Less Hayes and Supervisor of Montgomery Municipal Court both of Montgomery, AL.

In *Pyle v. Kansas*, 317 U. S. 213, 215-216, we phrased the rule in broader terms:

“Petitioner’s papers are inexpertly drawn, but they do set forth allegations that his imprisonment resulted from perjured testimony, knowingly used by the State authorities to obtain his conviction, and from the deliberate suppression by those same authorities of evidence favorable to him. These allegations sufficiently charge a deprivation of rights guaranteed by the Federal Constitution, and, if proven, would entitle petitioner to release from his present custody. *Mooney v. Holohan*, 294 U. S. 103. ”

The **Double Jeopardy Clause** of the Fifth Amendment to the United States Constitution provides:

“[N]or shall any person be subject for the same offence to be twice put in **jeopardy** of life or limb”

The four essential protections included are prohibitions against, for the same offense:

- retrial after an acquittal;
- retrial after a conviction;

- retrial after certain mistrials; and
- multiple punishment

In 503 U.S. 378 (1992), the U.S. Supreme Court ruled: "a[n]...offense and a conspiracy to commit that offense are not the same offense for double jeopardy purposes." Sometimes the same conduct may violate different statutes. If all elements of a lesser offense are relied on to prove a greater offense, the two crimes are the "same offense" for double jeopardy purposes, and the doctrine will bar the second prosecution. Presiding Municipal Court Judge Less Hayes failed to adhere to a clearly established case law found in the United States Constitution 5th Amendment through highway Arizona v. Rumsey, 467 U.S. 203 (1984), though the acquittal of Ernest Henderson was erroneous through the conspiracy between Presiding Sessions Court Judge Christie M. Sell, Honorable Judge, Magistrate Judge Andrew Basler along with Chief of Police David Roddy all of Chattanooga, TN, they on 12/17/19 which shows the officer who wrote file the charges for criminal trespass and disorderly conduct wrote a police report with wrong date and left off names of other officers who assisted in the illegal arrest, had "consciousness of guilt" or other motivation to avoid the evidence through appearing in court because the outcome had been discussed between the three; the judge, the court supervisor, and the officer.

The Fifth Amendment has an explicit requirement that the Federal Government not deprive individuals of "life, liberty, or property," without due process of the law and an implicit guarantee that each person receive equal protection of the laws.

The Fourteenth Amendment explicitly prohibits states from violating an individual's rights of due process and equal protection. Equal protection limits the State and Federal governments' power to discriminate in their employment practices by treating employees, former employees, or job applicants unequally because of membership in a group, like a race, religion or sex. Due process protection requires that employees have a fair procedural process before they are terminated if the termination is related to a "liberty," like the right to free speech, or a property interest. The amendment, particularly its first section, is one of the most litigated parts of the Constitution, forming the basis for landmark decisions such as

Brown v. Board of Education (1954) regarding racial segregation, **Roe v. Wade** (1973), clearly established cases on equal treatment, regarding abortion, **Bush v. Gore** (2000) regarding the 2000 presidential election, and **Obergefell v. Hodges** (2015) regarding same-sex marriage. The amendment limits the actions of all state and local officials, and also those acting on behalf of such officials.

The **Confrontation Clause** of the Sixth Amendment to the United States Constitution provides that "in all criminal prosecutions, the accused shall enjoy the right...to be confronted with the witnesses against him." The Fourteenth Amendment makes the right to confrontation applicable to the states and not just the federal government. Crawford v. Washington and Out-of-Court Statements. Alabama Rules of Evidence Article VIII Hearsay Rule 801 states the declarant is the person that makes the out of court statement; oral, written or through an assertion but it is only allowed if the person is cross examined and face the penalty of perjury at trial or hearing.

If a person is arrested on less than probable cause, the United States Supreme Court has long recognized that the aggrieved party has a cause of action under 42 U.S.C. 1983 for violation of Fourth Amendment rights. Pierson v. Ray, 386 U.S. 547, 87 S.Ct. 1213 (1967).

Harlow v. Fitzgerald, 457 U.S. 800, 818 (there can be no objective reasonableness where

- (a) United States Constitution, Fourth Amendment (including Warrants Clause), Fifth Amendment (Due Process and Equal Protection), Ninth Amendment (Rights to Privacy and Liberty), Fourteenth Amendment (Due Process and Equal Protection).

Relief is available in many forms here. Declaratory relief, rulings by another Judge in the form of opinions establishing the Constitutionality or lack of Constitutionality of another Judge's actions and Injunctive relief, a command or order for an action or inaction, are just two of the possibilities here, and both can be born from a jury's decision after the preponderance of evidence.

Trial by jury should be allowed here to preserve the Plaintiff's right to due process. Together with the due process clause of the Fifth Amendment, the Seventh Amendment guarantees civil litigants the right to an impartial jury.

McCoy v. Goldston,, 652 F. 2d 654 [6th Cir. 1981], Page 40

Snider v. Consolidation Coal Co. 973 F. 2d 555 [7th Cir. 1992], Page 42

Rivas v. Brattesani, 94 F. 3d 802 [2nd Cir. 1996], Page 41

When a lawsuit involves mixed questions of law equity, litigants may present the legal questions to a jury under the Seventh Amendment.

There may be issues of partisanship, as a Judge is asked to judge the actions of another Judge. A jury would guard against partisanship, be it conscious or subconscious, in that a Judge may not interject their personal opinions or observations to such an extent that they impair a litigant's right to a fair trial.

The Plaintiff, a Pro se litigant, in pursuit of what is defined in the Federal Rules of Civil Procedure 8 (f) as substantial justice, takes steps to make the Court aware of the following:

The courts provide pro se parties wide latitude when construing their pleadings and papers. When interpreting pro se papers, the Court should use common sense to determine what relief the party desires. S.E.C. v. Elliott, 953 F.2d 1560, 1582 (11th Cir. 1992). See also, United States v. Miller, 197 F. 3d 644, 648 (3rd Cir. 1999) (Court has special obligation to construe pro se litigants' pleadings liberally); Poling v. K Hovnanian Enterprises. 99 F. Supp 2d 502, 506-07 (D. N.J. 2000).

Pro se litigants' Court submissions are to be construed liberally and held to less stringent standards than submissions of lawyers. If the court can reasonably read the submissions of lawyers. If the court can reasonably read the submissions, it should do so despite failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction, or litigant's unfamiliarity with rule requirements.

McCoy v. Goldston, 652 F. 2d 654[6th Cir. 1981], Page 40

Snider v. Consolidation Coal Co. 973 F. 2d 555 [7th Cir. 1992], Page 42

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Moreover, “the court is under a duty to examine the complaint to determine if the allegations provide for relief provide for relief on any possible theory,” Bonner v. Circuit Court of St. Louis, 526 F.2d 1331, 1334 (8th Cir. 1975) (quoting Bramlet v. Wilson, 495 F.2d 714, 716 (8th Cir. 1974).

Thus, if this court were to entertain any motion to dismiss this court would have to apply the standards of *White v. Bloom*. Furthermore, if there is any possible theory that would entitle the Plaintiff to relief, even one that the Plaintiff hasn’t thought of, the court cannot dismiss this case.

GOALS OF THIS SUIT

This suit is not about monetary gain-it is about the preservation of an individual’s Constitutional rights and how an individual citizen should be shielded from the government’s arbitrary abuse of power.

Although a monetary amount is a condition to allow the Seventh Amendment (trial by jury) to come to bear, it cannot, however, be removed from consideration here:

The monetary issue will mainly be realized through the hearing of denied motions and the failures of the due process of law and petitions.

This suit is to remove/void orders obtained by unconstitutional methods, and to allow motions and petitions that were filed properly and in a timely manner to be heard by a non-bias

⁷ Boag v. MacDougall, 454 U.S. 364, 102 S.Ct. 700, 70 L.Ed.2d 551 (1982);

Estelle v. Gamble, 429 U.S. 97, 106, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976)(quoting Cnley v. Gibson, 355 U.S. 4, 45-46, 78 S.Ct. 99 2 L.Ed 2d 80 (1957); Haines v. Kerner, 404 U.S. 519, 92 S.Ct 594, 30 L.Ed 2d 652 (1972); McDowell v. Delaware State Police, 88 F.3d 188, 189 (3rd Cir. 1996); United States v. Day, 969 F.2d 39, 42 (3rd Cir. 1992) (holding pro se petition cannot be held to same standard as pleadings drafted by attorneys); Then v. I.N.S., 58 F.Supp. 422, 429 (D.N.J. 1999).

Entity.⁸ Further, it is to relieve the Plaintiff from arrest and incarceration, or various other sanctions upon reasonable assertion of his rights under the Constitution.

This suit seeks to punish no one-it simply seeks to obtain the rights that under Constitutional theory, should already be the Plaintiff’s.

Once again, I am not asking that anyone be punished-I am asking for the overturning of judicial orders that should have been legally and Constitutionally impossible to enter.

Conclusion

In Conclusion, the Plaintiff does pray that this Court observe the practice of fundamental fairness that is Substantial Justice and not act as Bystanders while a citizen is denied the right to redress when life, liberty, and property have been denied under color of law.

⁸ Elrod v. Burns, 427 U.S. 347; 6 S.Ct. 2673; 49 L/Ed/2d (1976)

“Loss of First Amendment Freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.”

United States Constitution, First Amendment: Right to petition; Freedom of association

Davis v. Wechler, 263 U.S. 2, 24; Stromberb v. California, 283 U.S. 359; NAACP v. Alabama, 375 U.S. 449

“The assertion of federal rights, when plainly and reasonably made, are not to b defeated under the name of local practice.”

Sherar v. Cullen, 481 F. 2d 946 (19730)

“There can be no sanction or penalty imposed upon one because of his exercise of Constitutional rights.”

Simmons v. United States, 390 U.S. 377 (1968)

“The claim and exercise of a Constitutional right cannot be converted into a crime”...”a denial of them would be a denial of due process of law.”

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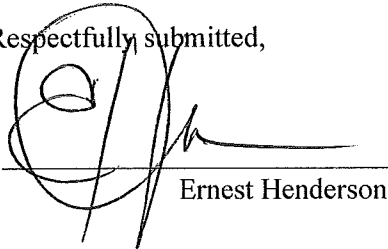
Simmons v. United States, 390 U.S. 377 (1968)

“The claim and exercise of a Constitutional right cannot be converted into a crime”...”a denial of them would be a denial of due process of law.”

Wherefore plaintiff prays this Court issue equitable relief as follows:

1. Issue injunctive relief commanding defendants to . . .
2. Issue declaratory relief as this Court deems appropriate just.
3. Issue other relief as this Court deems appropriate and just.
4. Award plaintiff his costs of litigation.

Respectfully submitted,



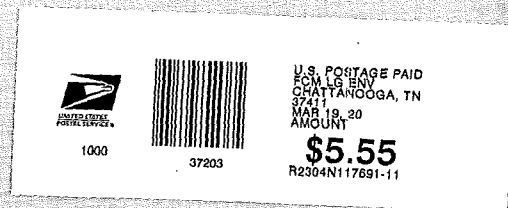
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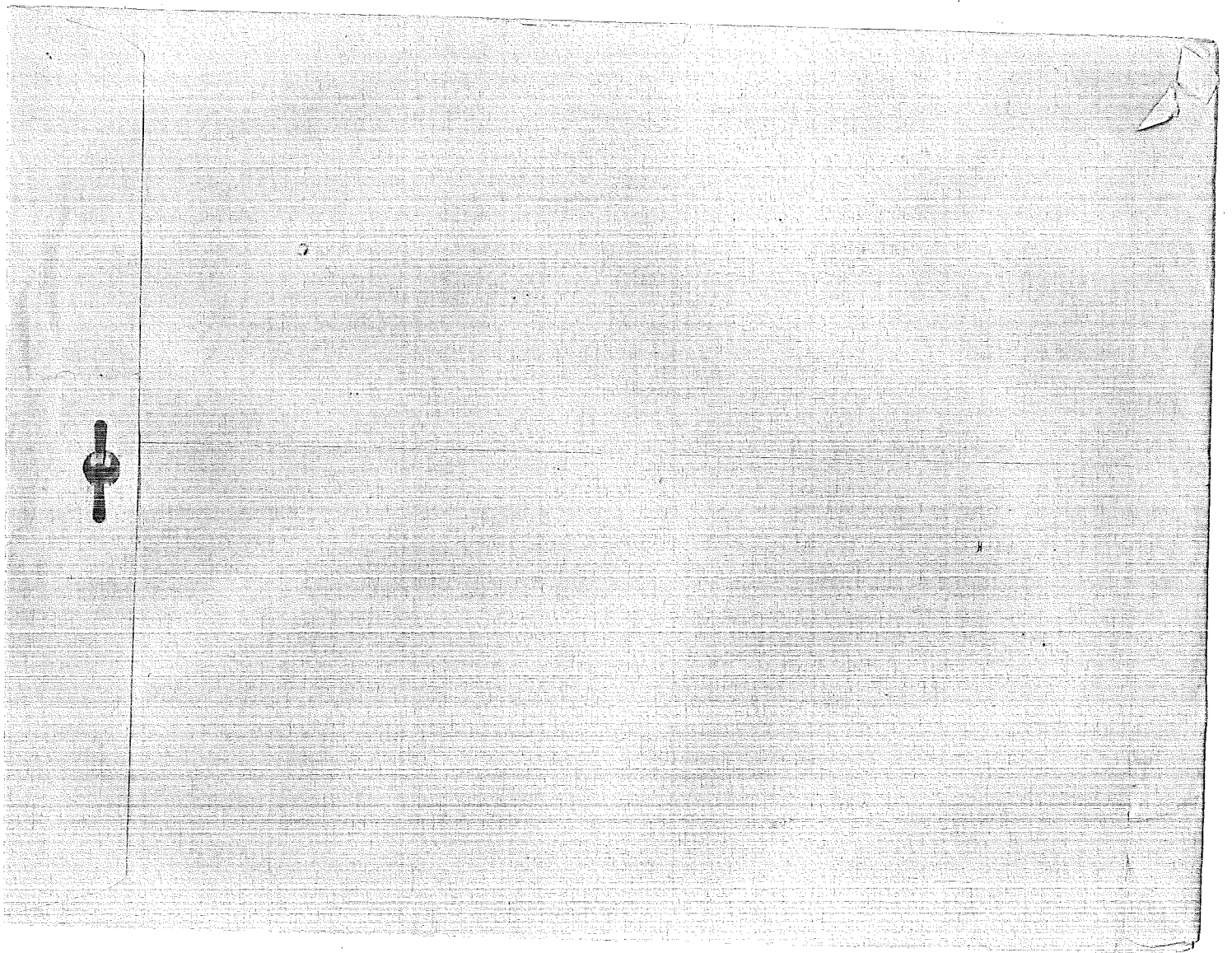
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